



October 6, 2004 BZA

**STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION**

05AN0124

Sue P. and Bobby R. Pope

**Bermuda Magisterial District
4810 Ecoff Avenue**

REQUEST: A Special Exception to permit the keeping of five (5) adult dogs in a Residential (R-7) District.

RECOMMENDATION

Recommend denial of this Special Exception for the following reasons:

- A. Special Exception may adversely affect the health, safety or welfare of persons residing on the premises or in the area.
- B. Special Exception may impair the character of the district.
- C. Use may reduce or impair the value of buildings or property in surrounding areas.

GENERAL INFORMATION

Location:

This property is located at 4810 Ecoff Avenue. Tax ID 786-655-5108 (Sheet 26).

Existing Zoning:

R-7

Size:

.465 acre

Existing Land Use:

Residential

Adjacent Zoning and Land Use:

North - R-7; Residential
South - R-7; Residential
East - R-7 and I-1; Office and Residential
West - R-7; Residential

Utilities:

Public water and sewer

General Plan:

(Chester Village Plan)

Residential
(1.01 to 2.5 units per acre)

DISCUSSION

The applicants request a Special Exception to permit the keeping of five (5) dogs in a residential (R-7) district.

The applicants provide the following information in support of this request:

We operate a dog kennel for personal use. We own miniature Yorkshire terriers. We built a kennel with indoor/outdoor runs to house the dogs so we could easily maintain and clean up after them. We were issued kennel license #104 with the understanding that made our kennel legal. We have no plan to expand size or increase the number of adult dogs.

On July 29, 2004, the Chesterfield County Animal Control Department inspected the subject property after a complaint was received. The Animal Control officer reported observing nine (9) Yorkshire terriers. The Planning Department was notified and visited the property. Staff's inspection revealed that the applicants were in violation of the Zoning Ordinance by keeping more than two (2) adult dogs (private kennel) in a Residential (R-7) District. Staff observed approximately nine (9) dogs during the visit. This request is in response to staff's investigation.

Staff is concerned with the number of dogs the applicants have on the property and the number of dogs being requested on the Special Exception. The Planning Department has visited the

subject property on several occasions and observed approximately nine (9) dogs. However, the applicants have requested a Special Exception for only five (5) dogs.

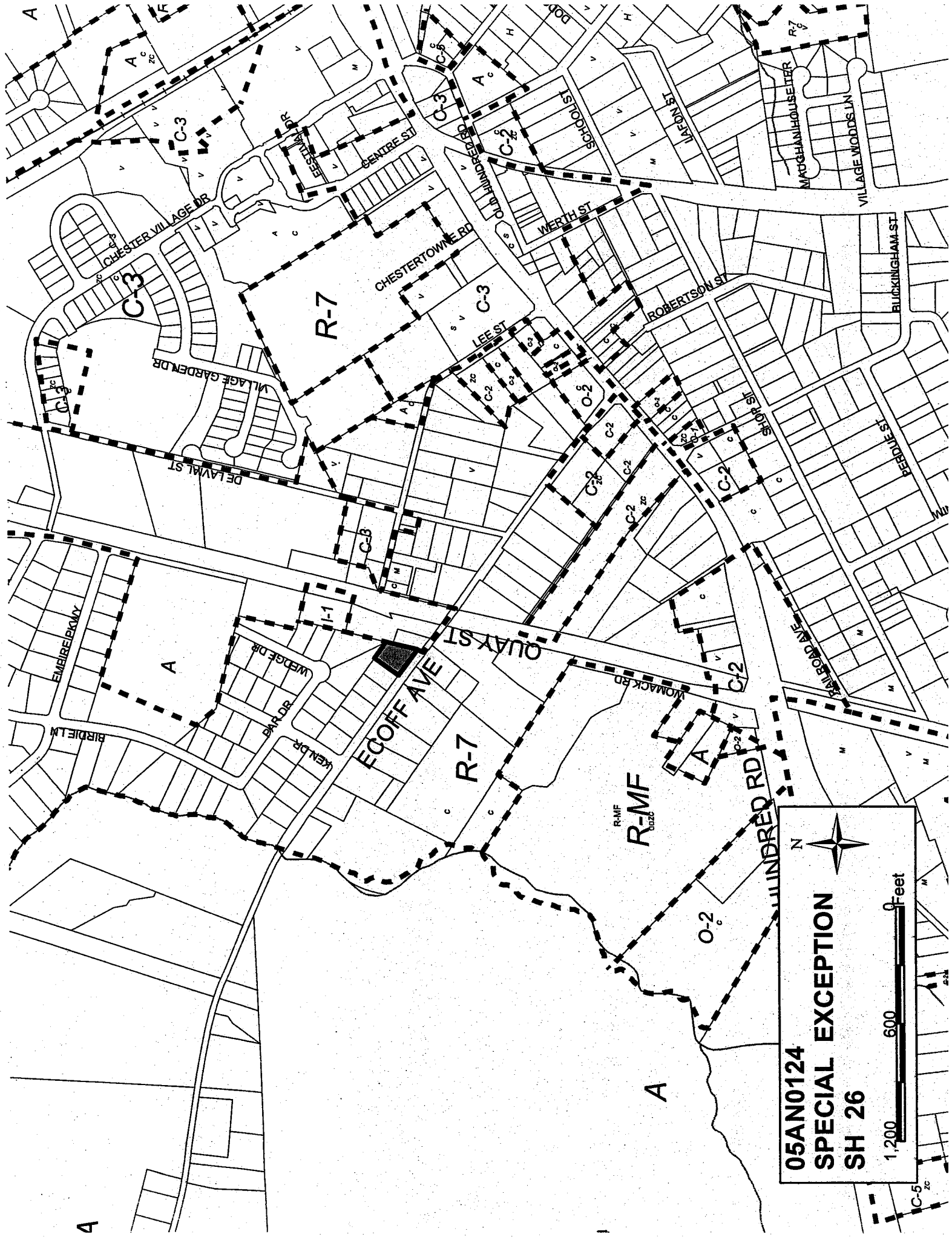
Staff believes that this type of request may have an adverse effect on the character of the area and may adversely affect the welfare of the persons residing or working in the area because the noise produced by five (5) dogs may create a nuisance.

Staff believes that imposing conditions will not mitigate the negative impact that this use may have on this area. Although the yard is adequately maintained and the dogs are confined within a fence in the rear yard, the number of dogs may be a nuisance to adjacent and area properties. Therefore, staff cannot support this request.

However, if the Board feels that this request has merit, staff recommends that it be subject to the following conditions:

CONDITIONS

1. Special Exception shall be granted to and for Sue P. and Bobby R. Pope, exclusively, and shall not be transferable nor run with the land.
2. Special Exception shall be granted for a period not to exceed three (3) years from date of approval and may be renewed upon satisfactory reapplication and demonstration that the keeping of these five (5) dogs has not proved a detriment to the adjacent property or the area in general.
3. All dogs shall be confined to the existing dwelling. Whenever the animals are allowed outside the dwelling, they shall be on a leash or within the fence in the rear yard.
4. Should any one (1) of the dogs be given, sold or pass away, it shall not be replaced.
5. The applicants shall not breed or board dogs on this property.
6. The applicants shall provide a history of each dog, such as age, sex, color and size as well as a photo to the Planning Department within thirty (30) days of approval of the Special Exception.



05AN0124
SPECIAL EXCEPTION
SH 26

N

1,200 600 Feet

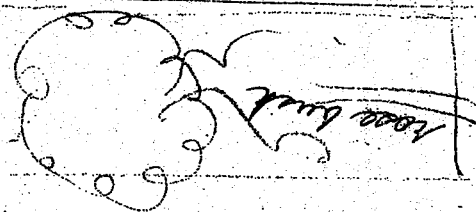
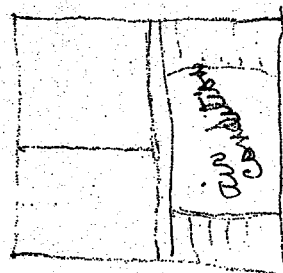
This building is white vinyl siding

This building is in our back yard.

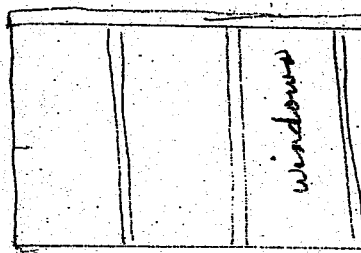
Our back yard is fenced with 5 ft high chain link fence

There are 2 large Maple Trees at back of runner building, that give our dog shade all day.

12 ft →



FLIPS and on this end

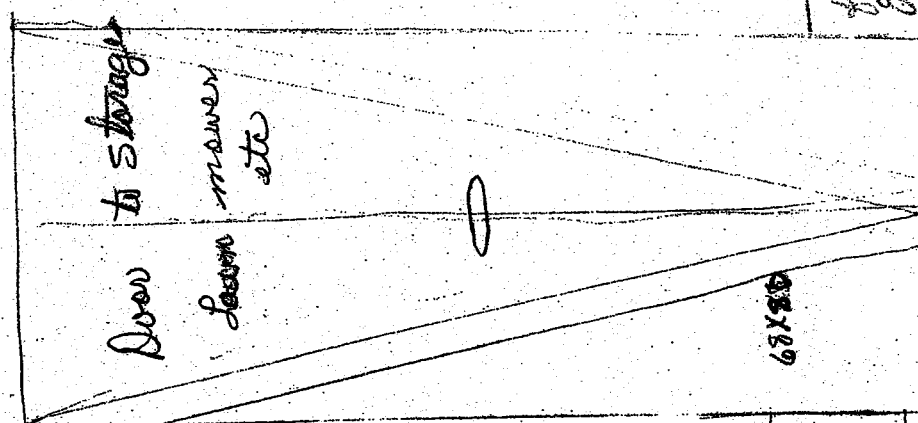


34x80

9 1/2 ft track

flower garden

68x80



flower garden

